

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2009 has been entered.

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 9/9/2009.
2. Claims 1-16 are pending in the case.
3. Claims 1, 8, 15 and 16 are independent claims.

Applicant's Response

4. In Applicant's response dated 9/9/2009, applicant has amended the following:
 - a) Claims 1, 8, 15 and 16

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being DeStefano by U.S. Patent No. 6,075,531 of record.

Claim 1:

DeStefano teaches **a method comprising: opening application windows of at least two different application programs onto a display;** (see col. 1 lines 58-65, col. 2 lines 43-49, Figure 11)

determining a grip area on a predetermined fixed location on the display
(see col. 15 lines 12-24)

detecting activation of the grip area for managing application windows on the display on the basis of a cursor being at least in the vicinity of the grip area;
(see col. 6 line 65 - col. 7 line 21 – Examiner interprets the pointer (i.e., cursor) and grip span capabilities to anticipate the recited "grip area")

detecting a change in the location of the activated grip area on the display, indicated by an input device; (see abstract, col. 7 lines 38-45, Figure 3)

and changing the size of selected application windows of the at least two different application programs in a predetermined manner on the basis of the change in the location of the grip area (see abstract, col. 12 lines 30-46).

Claim 2:

DeStefano's Figure 11 illustrates **showing the grip area for managing application windows on the display.**

Claim 3:

DeStefano teaches **determining the grip area at the edges of an application window** (see col. 9 lines 26-30).

Claim 4:

DeStefano teaches **determining the grip area at a bar of an application window** (see abstract, col. 9 lines 14-30 – the grip span of the pointer can be determined at any part (e.g. bar, corner, edges) of an application window because the proximity range of the grip span is customizable).

Claim 5:

DeStefano teaches **detecting selection of the application windows to be changed from among the opened application windows; and changing the size of the application windows to be changed only** (see col. 8 lines 15-41, col. 9 lines 14-30, col. 9 lines 55-65, col. 14 lines 16-19 – grip span selection changes the size of the "affected" windows).

Claim 6:

DeStefano anticipates **scaling the contents of the application windows in proportions to the changes in the sizes of the application windows** (see col. 4 lines 24-43, col. 7 lines 6-10 – application window is defined to include content, therefore when the window size changes, the content within the corresponding window changes.

Claim 7:

DeStefano teaches **wherein detecting a change in the location of the grip area comprises: detecting a direction of motion of the grip area from a first location of the grip area to a second location of the grip area as well as the distance between the first location and the second location, and changing the sizes of the application windows on the basis of the detected direction of motion and distance** (see abstract, col. 2 lines 43-55, col. 12 lines 30-46, Figure 15).

Claims 8-14:

Claims 8-14 are apparatus claims and are substantially encompassed in method claims 1-7 respectively; therefore the apparatus claims are rejected under the same rationale as method claims 1-7 above.

Claim 15:

Claim 15 includes a computer program product to implement the steps that are substantially encompassed in method claim 1; therefore the claim is rejected under the same rationale as method claim 1 above.

Claim 16:

Claim 16 is an apparatus claim and is substantially encompassed in method claim 1; therefore the apparatus claim is rejected under the same rationale as method claim 1 above.

Response to Arguments

Applicant's arguments filed 9/9/2009 have been fully considered but they are not persuasive.

Applicant argues that the DeStefano reference does not teach or suggest determining a grip area on a predetermined fixed location on a display recited in each of the independent claims. Applicant asserts that DeStefano's grip span is determined by the variable location of the user-controlled pointer; therefore, DeStefano's grip span cannot be on a predetermined fixed location on the display, as claimed. (see Response; page 6).

Examiner respectfully disagrees.

Examiner notes that in advisory action dated 7/9/2009, a similar argument was addressed by the Examiner. However, Applicant has failed to acknowledge or directly respond to the Examiner's position. Therefore, it is unclear as to whether Examiner's position was considered. In respect to newly amended independent claims, Examiner maintains the position presented in advisory action dated 7/9/2009. Examiner resubmits that that a location must be chosen in order for the grip span to occur. Examiner further submits that the chosen location was known beforehand (i.e., predetermined) by the developer to be a particular location (i.e., "fixed" location) that is capable of allowing the grip span functionality to be invoked. Therefore, the user-controlled pointer being variable has nothing to do with the particular fixed location being predetermined to allow a particular function to be invoked. In other words, the user-controlled pointer merely selects the already predetermined fixed location which was determined by the developer to allow particular functionalities to be invoked at such location. Thus, DeStefano does teach or suggest determining a grip area on a predetermined fixed location on the display.

Applicant maintains that DeStefano fails to teach or suggest detecting activation of the grip area for managing application windows on the display on the basis of a cursor being at least in the vicinity of the grip area. The asserted alignment of DeStefano's pointer to the claimed cursor is inconsistent with the teachings of DeStefano since it would result in DeStefano's pointer always being in a move or resize

mode. Anytime the pointer would be located on the display, a grip area would be activated rendering DeStefano's "normal" mode impossible. (see Response; page 6)

Examiner respectfully disagrees.

Examiner submits that the activation of the "grip area" (i.e., pointer and grip span capabilities) involves the use of a pointer (i.e., cursor), therefore, the activation of the "grip area" is based on the pointer (i.e, cursor) being in the vicinity of the activated "grip area". Examiner disagrees that the activation of the "grip area" using the pointer would result in the pointer always being in a move or resize mode or that a "normal" mode would be impossible. Examiner submits that when the "grip area" is not activated using the pointer, the pointer may be in "normal" mode. **The "grip area" is not activated anytime the pointer is located on the display (emphasis added).** The "grip area" is activated in response to a specific user input while the pointer is located on the display. Unless the specific user input is initiated while pointer is located on display, **the "normal" mode is possible (emphasis added)**(see col. 6 line 65 to col. 7 line 6).

Applicant further argues that DeStefano's grip span activated by the user of a pointer fails to correspond to activation by a cursor being in the vicinity of a predetermined fixed location on a display.

Examiner respectfully disagrees.

Although, the claim language does not explicitly recite "a cursor being in the vicinity of a predetermined fixed location on a display", Examiner submits that such claim language would still be taught by DeStefano based on the rationale set forth

above regarding the developer determining a predetermined fixed location which permits invocable functions of the pointer.

For at least the foregoing reasons, Examiner maintains Prior Art Rejections.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY ORR whose telephone number is (571)270-1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/22/2009
HO

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175